

# HB4235



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB4235

by Rep. Kelly Burke

#### SYNOPSIS AS INTRODUCED:

220 ILCS 5/10-101

from Ch. 111 2/3, par. 10-101

Amends the Public Utilities Act. Provides that attorneys licensed another state, territory, or commonwealth of the United States, or a foreign country may appear before the Commerce Commission as provided in Illinois Supreme Court Rule 707.

LRB098 14541 JWD 49309 b

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Public Utilities Act is amended by changing  
5 Section 10-101 as follows:

6 (220 ILCS 5/10-101) (from Ch. 111 2/3, par. 10-101)

7 Sec. 10-101. The Commission, or any commissioner or hearing  
8 examiner designated by the Commission, shall have power to hold  
9 investigations, inquiries and hearings concerning any matters  
10 covered by the provisions of this Act, or by any other Acts  
11 relating to public utilities subject to such rules and  
12 regulations as the Commission may establish. In the conduct of  
13 any investigation, inquiry or hearing the provisions of the  
14 Illinois Administrative Procedure Act, including but not  
15 limited to Sections 10-25 and 10-35 of that Act, shall be  
16 applicable and the Commission's rules shall be consistent  
17 therewith. Complaint cases initiated pursuant to any Section of  
18 this Act, investigative proceedings and ratemaking cases shall  
19 be considered "contested cases" as defined in Section 1-30 of  
20 the Illinois Administrative Procedure Act, any contrary  
21 provision therein notwithstanding. Any proceeding intended to  
22 lead to the establishment of policies, practices, rules or  
23 programs applicable to more than one utility may, in the

1 Commission's discretion, be conducted pursuant to either  
2 rulemaking or contested case provisions, provided such choice  
3 is clearly indicated at the beginning of such proceeding and  
4 subsequently adhered to. No violation of this Section or the  
5 Illinois Administrative Procedure Act and no informality in any  
6 proceeding or in the manner of taking testimony before the  
7 Commission, any commissioner or hearing examiner of the  
8 Commission shall invalidate any order, decision, rule or  
9 regulation made, approved, or confirmed by the Commission in  
10 the absence of prejudice. All hearings conducted by the  
11 Commission shall be open to the public.

12 Each commissioner and every hearing examiner of the  
13 Commission designated by it to hold any inquiry, investigation  
14 or hearing, shall have the power to administer oaths and  
15 affirmations, certify to all official acts, issue subpoenas,  
16 compel the attendance and testimony of witnesses, and the  
17 production of papers, books, accounts and documents.

18 Hearings shall be held either by the Commission or by one  
19 or more commissioners or hearing examiners.

20 When any ~~counselor or attorney at law,~~ licensed in another  
21 any other state, or territory, or commonwealth of the United  
22 States, in the District of Columbia, or in a foreign country,  
23 may desire to appear before the Commission, such ~~counselor or~~  
24 attorney shall be allowed to appear before the Commission as  
25 provided in Supreme Court Rule 707 ~~upon the same terms and in~~  
26 ~~the same manner that counselors and attorneys at law licensed~~

1 ~~in this State now are or hereafter may be admitted to appear in~~  
2 ~~such other state or territory before its Commission or~~  
3 ~~equivalent body.~~

4 All evidence presented at hearings held by the Commission  
5 or under its authority shall become a part of the records of  
6 the Commission. In all cases in which the Commission bases any  
7 action on reports of investigation or inquiries not conducted  
8 as hearings, such reports shall be made a part of the records  
9 of the Commission. All proceedings of the Commission and all  
10 documents and records in its possession shall be public  
11 records, except as in this Act otherwise provided.

12 To the extent consistent with this Section and the Illinois  
13 Administrative Procedure Act, the Commission may adopt  
14 reasonable and proper rules and regulations relative to the  
15 exercise of its powers, and proper rules to govern its  
16 proceedings, and regulate the mode and manner of all  
17 investigations and hearings, and alter and amend the same.

18 (Source: P.A. 88-45.)